

Order

Michigan Supreme Court
Lansing, Michigan

May 30, 2007

Clifford W. Taylor,
Chief Justice

133058

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 133058
COA: 264284
Wayne CC: 05-002229-01

GARLAND MALONE, JR.,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the December 14, 2006 judgment of the Court of Appeals is considered. We DIRECT the Wayne County Prosecuting Attorney to answer the application for leave to appeal within 28 days after the date of this order. The prosecutor shall address whether the parties correctly informed the court that the minimum sentence range was 99 to 240 months based on the defendant's guidelines scores, or whether the correct minimum sentence range was 87 to 217 months, and whether resentencing is required under *People v Francisco*, 474 Mich 82 (2006).

The application for leave to appeal remains pending.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 30, 2007

Corbin R. Davis

Clerk